

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code by amending
2 Sections 27.27.080(b), 27.28.090(b), 27.31.100(b), and 27.37.070(e) to delete “the location of
3 proposed free-standing signs” from the list of information to be included with the use permit
4 application in the O-3 Office Park District, R-T Residential Transition District, B-2 Planned
5 Neighborhood Business District, and B-5 Planned Regional Business District; by amending Section
6 27.69.083 to delete the requirement that the location, size and illumination of all signs be shown on
7 the use permit application and that it be approved as part of said application and that the sign be in
8 keeping with the character of the area in which it is located; by repealing Section 27.69.085 relating
9 to permitted signs in a Corporate Office Park planned unit development; by amending Section
10 27.69.160 to eliminate the requirement that the location, size and illumination of signs be shown on
11 the special permit application and be approved as part of said application and to eliminate the
12 requirement that the sign be in keeping with the character of the area in which it is located; by
13 amending Section 27.69.220 to eliminate the requirement concerning ground signs when part of a
14 landscape screen approved by the Planning Director; by amending Section 27.70.050 to modify the
15 requirements after approval of a use permit to allow building permits, certificates of occupancy, and
16 subdivision of property to be issued or approved upon substantial compliance with the plot plan as
17 approved and to grant the Planning Director the authority to review and determine if a proposal is
18 in substantial conformance with the spirit and intent of the approved plan; and repealing Sections
19 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.69.083, 27.69.160, 27.69.220, and 27.70.050 of the
20 Lincoln Municipal Code as hitherto existing.

1 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

2 Section 1. That Section 27.27.080 of the Lincoln Municipal Code be amended to read

3 as follows:

4 **27.27.080 Use Permit; Procedures and Requirements.**

5 (a) Minimum requirements: No use permit shall be granted upon any property having a total
6 area of less than two acres, except as otherwise provided herein, nor for any plan unless it is in con-
7 formance with all applicable city standards and with all regulations of the applicable sections of this
8 chapter. The Planning Commission shall impose such conditions as are appropriate and necessary
9 to ensure compliance with the Comprehensive Plan and protect the health, safety, and general
10 welfare in the issuance of any such use permits. Such conditions may include an increase in the
11 minimum yard requirements and decrease in the maximum height restrictions set forth in this
12 chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the
13 terms of the use permit, all regulations of the O-3 Office Park District shall apply.

14 (b) Application requirements: Applications for a use permit under this section shall be filed
15 in writing by the owner on a form provided by the city with the Planning Department. Where any
16 portion of the land area of a use permit for technology transfer industries or applications is proposed
17 to be adjacent to the perimeter of the O-3 zoning district and such use is not permitted in the adjacent
18 zoning district, then the applicant must provide information demonstrating how the proposal will
19 mitigate any negative impacts on the adjacent zoning district. The Planning Commission may
20 impose such other standards and requirements for perimeter treatment as are appropriate and
21 necessary to protect adjoining properties from adverse effects and to achieve an appropriate
22 transition of land uses and densities. A preliminary plan shall accompany each application and shall
23 include the following information:

- 24 (1) Boundary survey and gross acreage;
25 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
26 elevations on 100-foot grid shall be required to fully indicate the topography on flat land;
27 (3) Street right-of-way;
28 (4) Utility easements;
29 (5) Adjacent land use and zoning classifications;
30 (6) Location of structures on property;
31 (7) Vicinity map;
32 (8) Date prepared, scale, and north point;

1 (9) Schematic and location of buildings;
2 (10) Parking areas and capacity;
3 (11) Open space for residential uses;
4 (12) Use of buildings, such as retail, service, restaurant, office, residential, and other
5 uses;
6 (13) Height of buildings;
7 (14) Location of existing trees and proposed landscape plan;
8 (15) Proposed vehicular and pedestrian circulation system including egress and
9 ingress;
10 (16) Building and parking setback lines;
11 (17) Grading plan;
12 (18) On-site and off-site water and sanitary sewer improvements;
13 (19) On-site and off-site drainage and storm sewer improvements;
14 ~~—(20) Location of proposed free-standing signs;~~
15 (20) Cross-section for paving of parking lots and sidewalks;
16 (21) Proposed name of the shopping center;
17 (22) Name, address, and telephone number of developer; certified record owner or
18 owners and addresses; and legal description of the proposed use permit area, including the number
19 of acres.

20 (c) Environmental performance standards: Any applicant for a use permit under the
21 provisions of this section shall comply with environmental performance standards relating to noise,
22 emission, dust, odor, glare, and heat as shall be from time to time established by various municipal
23 departments and approved by resolution of the City Council.

24 (d) Landscape plan: Each application for a use permit under this section shall include a land-
25 scape plan which shall show proposed plantings in conformance with city standards in all required
26 yard areas, open space areas, malls, parking areas, and around proposed buildings. The Planning
27 Director shall develop appropriate written standards for such landscape plans, which standards shall
28 be approved by resolution of the City Council.

29 (e) Planning Commission review: Upon the filing of an application together with all maps,
30 data, and information required by this section, the City Council shall refer the application to the
31 Planning Commission. The Planning Commission shall hold a public hearing upon such application
32 and shall consider the effect of the proposed use upon the surrounding neighborhood, the community
33 as a whole, and other matters relating to public health, safety, and general welfare.

34 (f) Planning Commission action: After holding at least one public hearing, the Planning
35 Commission shall proceed to give final consideration to the application and may require that certain

1 conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for,
2 and may include the requirement that applicant grant additional right-of-way in accordance with the
3 Comprehensive Plan. The Planning Commission may require the execution of a written agreement
4 with the city relating to the installation of public improvements by the applicant, together with the
5 execution of performance bonds or provision of other appropriate surety relating thereto. The
6 installation of all public improvements shall be accomplished in compliance with existing city
7 standards as provided by ordinance or by departmental publications approved by resolution of the
8 City Council. In the event the Planning Commission fails to act upon the application within sixty
9 days from the date of referral, the applicant may appeal to the City Council requesting final action.
10 If the City Council determines that the delay of the Planning Commission is unjustified, it shall
11 direct the commission to act upon the application no later than the commission's next regularly
12 scheduled meeting.

13 (g) Appeal of Planning Commission action:

14 (1) Any aggrieved person or any person or group officially designated to participate
15 in the administration of this title may appeal any action of the Planning Commission to the City
16 Council by filing notice of appeal with the City Clerk within fourteen days following the action of
17 the Planning Commission.

18 (2) Upon receipt of the appeal by the City Council, the council shall hold a public
19 hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be
20 given as provided in Chapter 27.81.

21 (3) The City Council may, after public hearing, in conformity with the provisions of
22 this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission
23 appealed from.

24 (h) Adjustment: Upon request of the applicant, the City Council may, after report and
25 recommendation of the Planning Commission, decrease the minimum yard requirements and
26 increase the maximum height restrictions set forth in this chapter at the periphery of the use permit
27 area consistent with adequate protection of the environment of the use permit area and adjacent ar-
28 eas. Upon the request of the applicant, the City Council may, after report and recommendation of
29 the Planning Commission, decrease the minimum yard requirements and increase the maximum
30 height restrictions and may adjust the requirements relative to the location of buildings, required
31 parking spaces, and lot frontage set forth in this chapter in the interior of the use permit area con-
32 sistent with the adequate protection of the environment of the use permit area. The Planning
33 Commission shall hold a public hearing upon the requested adjustment at the same time that it hears
34 the application for the use permit and shall make a report to the City Council regarding the effect the
35 proposed use and adjustment has upon the surrounding neighborhood, the community as a whole,
36 and other matters relating to public health, safety, and general welfare. Upon receiving a report from
37 the Planning Commission, the City Council shall take final action upon the application for the use
38 permit and the requested adjustment.

39 (i) Amendment: The Planning Director is authorized to approve amendments to any use
40 permit granted under this section, provided that:

41 (1) A request for amendment is filed with the Planning Director, together with any
42 of the information specified in paragraph (b) above which is pertinent to the proposed amendment;

43 (2) Such amendment shall not violate any provisions of this title;

44 (3) Such amendment may provide for minor increases in total floor area and storage
45 space originally permitted;

(4) There is no increase in the number of dwelling units;
(5) No reduction is made to the applicable setback or yard requirements;
(6) No public land is accepted;
(7) Such amendment shall not be contrary to the general purpose of this chapter;
(8) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original application for a use permit.

(j) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.

(k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title shall be deemed to have received a use permit as herein required and shall be provided with such permit by the Director of Building and Safety upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in conformance with this section shall be required.

(l) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit.

(m) A use permit may be granted for a lot of less than two acres, provided:

(1) The lot was legally created prior to the effective date of this ordinance; and
(2) The lot has remained under separate ownership from adjoining properties in the O-3 district.

The Planning Commission may, under the above conditions, adjust the requirements under paragraph (a) to permit the applicant a reasonable use of his property.

Section 2. That Section 27.28.090 of the Lincoln Municipal Code be amended to read as follows:

27.28.090 Use Permit; Procedures and Requirements.

(a) Minimum requirements: The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such use permit. Such conditions may include an increase in the minimum yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the R-T Residential Transition District shall apply.

(b) Application requirements: Applications for a use permit under this section shall be filed by the owner in writing on a form provided by the city with the Planning Department. Plans shall accompany each application and shall include the following information:

- 1 (1) Boundary survey and gross acreage;
- 2 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
- 3 elevations on 100-foot grid shall be required to fully indicate the topography on flat land;
- 4 (3) Street right-of-way;
- 5 (4) Utility easements;
- 6 (5) Adjacent land use and zoning classifications;
- 7 (6) Location of structures on property;
- 8 (7) Vicinity map;
- 9 (8) Date prepared, scale, and north point;
- 10 (9) Schematic and location of buildings;
- 11 (10) Parking areas and capacity;
- 12 (11) Use of buildings, such as retail, service, restaurant, office, residential, and other
- 13 uses;
- 14 (12) Height of buildings;
- 15 (13) Location of existing trees and proposed landscape plan;
- 16 (14) Proposed vehicular and pedestrian circulation system including egress and
- 17 ingress;
- 18 (15) Building and parking setback lines;
- 19 (16) Grading plan;
- 20 (17) On-site and off-site water and sanitary sewer improvements;
- 21 (18) On-site and off-site drainage and storm sewer improvements;
- 22 ~~(19) Location of proposed free-standing signs;~~
- 23 ~~(20)~~ 19 Cross-section for paving of parking lots and sidewalks;
- 24 ~~(21)~~ 20 Name, address, and telephone number of developer; certified record owner or
- 25 owners and addresses; and legal description of the proposed use permit area, including the number
- 26 of acres.

27 (c) Environmental performance standards: Any applicant for a use permit under the
28 provisions of this section shall comply with environmental performance standards relating to noise,
29 emission, dust, odor, glare, and heat as shall be from time to time established by various municipal
30 departments and approved by resolution of the City Council.

31 (d) Landscape plan: Each application for a use permit under this section shall include a
32 landscape plan which shall show proposed plantings in conformance with city standards in all

1 required yard areas, open space areas, malls, parking areas, and around proposed buildings. The
2 Planning Director shall develop appropriate written standards for such landscape plans, which
3 standards shall be approved by resolution of the City Council.

4 (e) Planning Commission review: Upon the filing of an application together with all maps,
5 data, and information required by this section, the City Council shall refer the application to the
6 Planning Commission. The Planning Commission shall hold a public hearing upon such application
7 and shall consider the effect of the proposed use upon the surrounding neighborhood, the community
8 as a whole, and other matters relating to public health, safety, and general welfare.

9 (f) Planning Commission action: After holding at least one public hearing, the Planning
10 Commission shall proceed to give final consideration to the application and may require that certain
11 conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for,
12 and may include the requirement that applicant grant additional right-of-way in accordance with the
13 comprehensive plan. The Planning Commission may require the execution of a written agreement
14 with the city relating to the installation of public improvements by the applicant, together with the
15 execution of performance bonds or provision of other appropriate surety relating thereto. The
16 installation of all public improvements shall be accomplished in compliance with existing city
17 standards as provided by ordinance or by departmental publications approved by resolution of the
18 City Council. In the event the Planning Commission fails to act upon the application within sixty
19 days from the date of referral, the applicant may appeal to the City Council requesting final action.
20 If the City Council determines that the delay of the Planning Commission is unjustified, it shall
21 direct the commission to act upon the application no later than the Commission's next regularly
22 scheduled meeting.

23 (g) Appeal of Planning Commission action:

24 (1) Any aggrieved person or any person or group officially designated to participate
25 in the administration of this title may appeal any action of the Planning Commission to the City
26 Council by filing notice of appeal with the City Clerk within fourteen days following the action of
27 the Planning Commission.

28 (2) Upon receipt of the appeal by the City Council, the council shall hold a public
29 hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be
30 given as provided in Chapter 27.81.

31 (3) The City Council may, after public hearing, in conformity with the provisions of
32 this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission
33 appealed from.

34 (h) Adjustment: Upon request of the applicant, the City Council may, after report and
35 recommendation of the Planning Commission, decrease the minimum yard requirements and
36 increase the maximum height restrictions and may adjust the requirements relative to the location
37 of buildings and required parking spaces and lot frontage set forth in this chapter consistent with
38 adequate protection of the environment of the use permit area and adjacent areas provided the
39 building shall not exceed the height of the tallest residence on the same and facing block fronts. The
40 Planning Commission shall hold a public hearing upon the requested adjustment at the same time
41 that it hears the application for the use permit and shall make a report to the City Council regarding
42 the effect the proposed use and adjustment has upon the surrounding neighborhood, the community
43 as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving
44 a report from the Planning Commission, the City Council shall take final action upon the application
45 for the use permit and the requested adjustment.

1 (i) Amendment: The Planning Director is authorized to approve amendments to any use
2 permit granted under this section, provided that:

3 (1) A request for amendment is filed with the Planning Director, together with any
4 of the information specified in paragraph (b) above which is pertinent to the proposed amendment;

5 (2) Such amendment shall not violate any provisions of this title;

6 (3) Such amendment may provide for minor increases in total floor area and storage
7 space originally permitted;

8 (4) There is no increase in the number of dwelling units;

9 (5) No reduction is made to the applicable setback or yard requirements;

10 (6) No public land is accepted;

11 (7) Such amendment shall not be contrary to the general purpose of this chapter;

12 (8) Any amendment not in conformance with this paragraph shall be submitted to the
13 Planning Commission in the same manner as an original application for a use permit.

14 (j) Building permits, certificates of occupancy, and certificates of compliance: Upon the
15 approval of a use permit as provided for under this section, building permits and certificates of
16 occupancy may be issued. Certificates of compliance shall not be issued until there has been compli-
17 ance with all conditions of a use permit and subsequent amendments within each phase of develop-
18 ment of a use permit.

19 (k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully
20 established in this district on the effective date of this title shall be deemed to have received a use
21 permit as herein required and shall be provided with such permit by the Director of Building and
22 Safety upon request, and it shall not be a nonconforming use; provided, however, for any
23 enlargement, extension, or relocation of such existing use, an application in conformance with this
24 section shall be required.

25 (l) If an application for a use permit located within a flood plain is granted approval by the
26 city, it shall not be necessary for the applicant to make an application for a special permit to be
27 approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It
28 shall be presumed that the applicant has received all such approvals as may be required by the
29 foregoing resolutions by virtue of the city granting approval to the use permit.

30 Section 3. That Section 27.31.100 of the Lincoln Municipal Code be amended to read
31 as follows:

32 **27.31.100 Use Permit; Procedures and Requirements.**

33 (a) Minimum requirements: No use permit shall be granted upon any property having a total
34 area of less than five acres, except as provided under Section 27.31.100(k), nor for any plan unless
35 it is in conformance with all applicable city standards and with all regulations of the applicable
36 sections of this chapter. The Planning Commission shall impose such conditions as are appropriate
37 and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and
38 general welfare in the issuance of any such use permits. Such conditions may include an increase
39 in the minimum yard requirements and decrease in the maximum height restrictions set forth in this
40 chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the
41 terms of the use permit, all regulations of the B-2 Planned Neighborhood Business District shall
42 apply.

(b) Application requirements: Applications for a use permit under this section shall be filed by the owner in writing on a form provided by the city with the Planning Department. A preliminary plan shall accompany each application and shall include the following information:

- (1) Boundary survey and gross acreage;
- (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the topography on flat land;
- (3) Street right of way;
- (4) Utility easements;
- (5) Adjacent land use and zoning classifications;
- (6) Location of structures on property;
- (7) Vicinity map;
- (8) Date prepared, scale and north point;
- (9) Schematic and location of buildings;
- (10) Parking areas and capacity;
- (11) Open space for residential uses;
- (12) Use of buildings, such as retail, service, restaurant, office, residential and other uses;
- (13) Height of buildings;
- (14) Location of existing trees and proposed landscape plan;
- (15) Proposed vehicular and pedestrian circulation system including egress and ingress;
- (16) Building and parking setback lines;
- (17) Grading plan;
- (18) On-site and off-site water and sanitary sewer improvements;
- (19) On-site and off-site drainage and storm sewer improvements;
- ~~(20) Location of proposed free-standing signs;~~
- ~~(21 20)~~ (20) Cross-section for paving of parking lots and sidewalks;
- ~~(22 21)~~ (21) Proposed name of the shopping center;
- ~~(23 22)~~ (22) Name, address, and telephone number of developer; certified record owner or owners and addresses; and legal description of the proposed use permit area, including the number of acres.

1 (c) Environmental performance standards: Any applicant for a use permit under the
2 provisions of this section shall comply with environmental performance standards relating to noise,
3 emission, dust, odor, glare, and heat as shall be from time to time established by various municipal
4 departments and approved by resolution of the City Council.

5 (d) Landscape plan: Each application for a use permit under this section shall include a
6 landscape plan which shall show proposed plantings in conformance with city standards in all
7 required yard areas, open space areas, malls, parking areas and around proposed buildings. The
8 Planning Director shall develop appropriate written standards for such landscape plans, which
9 standards shall be approved by resolution of the City Council.

10 (e) Planning Commission review: Upon the filing of an application together with all maps,
11 data, and information required by this section, the City Council shall refer the application to the
12 Planning Commission. The Planning Commission shall hold a public hearing upon such application
13 and shall consider the effect of the proposed use upon the surrounding neighborhood, the community
14 as a whole, and other matters relating to public health, safety, and general welfare.

15 (f) Planning Commission action: After holding at least one public hearing, the Planning
16 Commission shall proceed to give final consideration to the application and may require that certain
17 conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for,
18 and may include the requirement that applicant grant additional right of way in accordance with the
19 Comprehensive Plan. The Planning Commission may require the execution of a written agreement
20 with the city relating to the installation of public improvements by the applicant, together with the
21 execution of performance bonds or provision of other appropriate surety relating thereto. The
22 installation of all public improvements shall be accomplished in compliance with existing city
23 standards as provided by ordinance or by departmental publications approved by resolution of the
24 City Council. In the event the Planning Commission fails to act upon the application within sixty
25 days from the date of referral, the applicant may appeal to the City Council requesting final action.
26 If the City Council determines that the delay of the Planning Commission is unjustified, it shall
27 direct the commission to act upon the application no later than the commission's next regularly
28 scheduled meeting.

29 (g) Appeal of Planning Commission action:

30 (1) Any aggrieved person or any person or group officially designated to participate in
31 the administration of this title may appeal any action of the Planning Commission to the City Council
32 by filing notice of appeal with the City Clerk within fourteen days following the action of the
33 Planning Commission.

34 (2) Upon receipt of the appeal by the City Council, the council shall hold a public
35 hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be
36 given as provided in Chapter 27.81.

37 (3) The City Council may, after public hearing, in conformity with the provisions of
38 this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission
39 appealed from.

40 (h) Adjustment of yard requirements and height restrictions: Upon request of the applicant,
41 the City Council may, after report and recommendation of the Planning Commission, decrease the
42 minimum yard requirements and increase the maximum height restrictions and may adjust the
43 requirements relative to the location of buildings and required parking spaces and lot frontage set
44 forth in this chapter consistent with adequate protection of the environment of adjacent land uses.
45 The Planning Commission shall hold a public hearing upon the requested adjustment at the same

1 time that it hears the application for the use permit and shall make a report to the City Council
2 regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the
3 community as a whole, and other matters relating to public health, safety, and general welfare. Upon
4 receiving a report from the Planning Commission, the City Council shall take final action upon the
5 use permit and the adjustment.

6 (i) Amendment: The Planning Director is authorized to approve amendments to any use
7 permit granted under this section, provided that:

8 (1) A request for amendment is filed with the Planning Director, together with any
9 of the information specified in paragraph (b) above which is pertinent to the proposed amendment;

10 (2) Such amendment shall not violate any provisions of this
11 title;

12 (3) Such amendment may provide for minor increases in total floor area and storage
13 space originally permitted;

14 (4) There is no increase in the number of dwelling units;

15 (5) No reduction is made to the applicable setback or yard requirements;

16 (6) No public land is accepted;

17 (7) Such amendment shall not be contrary to the general purpose of this section as
18 specified in Section 27.31.020;

19 (8) Any amendment not in conformance with this paragraph shall be submitted to the
20 Planning Commission in the same manner as an original application for a use permit.

21 (j) Building permits, certificates of occupancy, and certificates of compliance: Upon the
22 approval of a use permit as provided for under this section, building permits and certificates of
23 occupancy may be issued. Certificates of compliance shall not be issued until there has been compli-
24 ance with all conditions of a use permit and subsequent amendments within each phase of
25 development of a use permit.

26 (k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully
27 established in this district on the effective date of this title shall be deemed to have received a use
28 permit as herein required and shall be provided with such permit by the Director of Building and
29 Safety upon request, and it shall not be a nonconforming use; provided, however, for any
30 enlargement, extension, or relocation of such existing use, an application in conformance with this
31 section shall be required.

32 (l) A use permit may be granted for a lot of less than five acres, provided:

33 (1) The lot was legally created prior to the effective date of this ordinance;

34 (2) The lot has remained under separate ownership from adjoining properties in the
35 B-2 district.

36 The Planning Commission may, under the above conditions, adjust the requirements under
37 paragraph (b) to permit the applicant a reasonable use of his property.

38 (m) If an application for a use permit located within a flood plain is granted approval by the
39 city, it shall not be necessary for the applicant to make an application for a special permit to be ap-
40 proved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall
41 be presumed that the applicant has received all such approvals as may be required by the foregoing
42 resolutions by virtue of the city granting approval to the use permit.

1 Section 4. That Section 27.37.070 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **27.37.070 Use Permits; Procedures and Requirements.**

4 (a) Minimum requirements. No use permit shall be granted upon any property having a total
5 area of less than thirty acres, nor for any plan unless it is in conformance with all applicable city
6 standards and with all regulations of the applicable sections of this chapter. The Planning
7 Commission shall impose such conditions as are appropriate and necessary to ensure compliance
8 with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of
9 any use permits. Such conditions may include an increase in the minimum yard requirements and
10 a decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private
11 roadways may be permitted. Unless expressly modified by the terms of the use permit, all
12 regulations of the B-5 Planned Regional Business District shall apply.

13 (b) Environmental performance standards. Any applicant for a use permit under the
14 provisions of this section shall comply with such environmental performance standards relating to
15 noise, emission, dust, odor, glare, and heat as shall be from time to time established by various
16 municipal departments and approved by resolution of the City Council.

17 (c) Environmental impact statement and market analysis. If any application for a change
18 of zone to the B-5 Planned Regional Business District or for a use permit under the provisions of this
19 section substantially deviates from the Comprehensive Plan in terms of location or size, as deter-
20 mined by the Planning Director, the applicant shall submit an environmental impact statement and
21 a market analysis which shall serve as a guide to the Planning Commission for evaluation of such
22 application in terms of need, desirability, supportability, and its implications for the overall growth
23 of the community. The Planning Director shall develop appropriate written standards and forms for
24 such environmental impact statement and market analysis, which shall be approved by the City
25 Council after report and recommendation of the Planning Commission.

26 (d) Landscape plan. Each application for a use permit under this section shall include a
27 landscape plan which shall show proposed plantings in conformance with city standards in all
28 required yard areas, open space areas, malls, parking areas and around proposed buildings. The
29 Planning Director shall develop appropriate written standards for such landscape plans, which
30 standards shall be approved by resolution of the City Council.

31 (e) Application requirements. Applications for a use permit under this section shall be filed
32 by the owner in writing with the Planning Department on a form provided by the city. A preliminary
33 plan shall accompany each application and shall include the following information:

- 34 (1) Boundary survey and gross acreage;
35 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
36 elevations on one hundred foot grids shall be required to fully indicate the topography on flat land;
37 (3) Street right of way;
38 (4) Utility easements;

- (5) Adjacent land use and zoning classifications;
- (6) Location of structures on property;
- (7) Vicinity map;
- (8) Date prepared, scale and north point;
- (9) Schematic building layout;
- (10) Parking areas and capacity;
- (11) Open space for residential uses;
- (12) Use of buildings, such as retail, service, restaurant, office, residential, and other uses. Buildings to be included in the first phase construction shall include tenant occupancies where known. A clear demonstration shall be made that the residential use will be protected from adverse effects, such as traffic, air pollution, noise, and glare; and the mixing of residential and commercial uses on the ground level shall be discouraged;
- (13) Acreage and percentage of total developed building area, parking lots, open space, malls, and other features;
- (14) Height of buildings;
- (15) Location of existing trees and proposed landscape plan;
- (16) Proposed vehicular and pedestrian circulation system, including ingress and egress;
- (17) Building and parking setback lines;
- (18) Grading plan;
- (19) Phase of development and proposed starting dates;
- (20) Discussion of adverse environmental effects of the project and proposed steps to minimize these effects;
- (21) On-site and off-site water and sanitary sewer improvements;
- (22) On-site and off-site drainage and storm sewer improvements;
- ~~(23) Location of proposed free-standing signs;~~
- ~~(24)~~ 23) Cross-section for paving of parking lots and sidewalks;
- ~~(25)~~ 24) Proposed name, if any, of the shopping center;

1 (26 25) Name, address, and telephone number of developer, certified record owner, or
2 owners, and addresses; legal description of the proposed use permit area, including the number of
3 acres.

4 (f) Planning Commission review. Upon the filing of an application together with all maps,
5 data, and information required by this section, the City Council shall refer the application to the
6 Planning Commission. The Planning Commission shall hold a public hearing upon such application
7 and shall consider the effect of the proposed use upon the surrounding neighborhood, the community
8 as a whole, and other matters relating to public health, safety, and general welfare.

9 (g) Planning Commission action. After holding at least one public hearing, the Planning
10 Commission shall proceed to give final consideration to the application and may require that certain
11 conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for,
12 and may include the requirement that applicant grant additional right of way in accordance with the
13 Comprehensive Plan. The Planning Commission may require the execution of a written agreement
14 with the city relating to the installation of public improvements by the applicant, together with the
15 execution of performance bonds or provision of other appropriate surety relating thereto. The
16 installation of all public improvements shall be accomplished in compliance with existing city
17 standards as provided by ordinance or by departmental publications approved by resolution of the
18 City Council. In the event the Planning Commission fails to act upon the application within sixty
19 days from the date of referral, the applicant may appeal to the City Council requesting final action.
20 If the City Council determines that the delay of the Planning Commission is unjustified, it shall
21 direct the commission to act upon the application no later than the commission's next regularly
22 scheduled meeting.

23 (h) Appeal of Planning Commission action. (1) Any aggrieved person or any person or
24 group officially designated to participate in the administration of this title may appeal any action of
25 the Planning Commission to the City Council by filing notice of appeal with the City Clerk within
26 fourteen days following the action of the Planning Commission.

27 (2) Upon receipt of the appeal by the City Council, the council shall hold a public
28 hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be
29 given as provided in Chapter 27.81.

30 (3) The City Council may, after public hearing, in conformity with the provisions of
31 this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission
32 appealed from.

33 (i) Adjustment of yard requirements, height restrictions, and parking.

34 (1) Upon request of the applicant, the City Council may, after report and recom-
35 mendation of the Planning Commission, decrease the minimum yard requirements and increase the
36 maximum height restrictions and may adjust the requirements relative to the location of buildings
37 and required parking spaces and lot frontage set forth in this chapter consistent with adequate
38 protection of the environment of adjacent land uses.

39 (2) Upon request of the applicant, the City Council may, after report and
40 recommendation of the Planning Commission, decrease the required parking set forth in this chapter
41 and Chapter 27.67 if it is determined that the mix of uses or ownership patterns create situations
42 where the applicability of a particular standard is not feasible.

1 (3) The Planning Commission shall hold a public hearing upon the requested
2 adjustment at the same time that it hears the application for the use permit and shall make a report
3 to the City Council regarding the effect the proposed use and adjustment has upon the surrounding
4 neighborhood, the community as a whole, and other matters relating to public health, safety, and
5 general welfare. Upon receiving a report from the Planning Commission, the City Council shall take
6 final action upon the application for the use permit and the requested adjustment.

7 (j) Amendment. The Planning Director is authorized to approve amendments to any use
8 permit granted under this section, including square footage of floor area and storage space in phases
9 of development; provided, that:

10 (1) A request for amendment is filed with the Planning Director, together with any
11 of the information specified in paragraph (f) above which is pertinent to the proposed amendment;

12 (2) Such amendment shall not violate any provisions of this title;

13 (3) Such amendment may provide for minor increases in total floor area and storage
14 space originally permitted;

15 (4) There is no increase in the number of dwelling units;

16 (5) No reduction is made to the applicable setback or yard requirements;

17 (6) No public land is accepted;

18 (7) Such amendment shall not be contrary to the general purpose section as specified
19 in paragraph (a) above;

20 (8) Any amendment not in conformance with this paragraph shall be submitted to the
21 Planning Commission in the same manner as an original use permit.

22 (k) Building permits, certificates of occupancy and certificates of compliance. Upon the
23 approval of a use permit as provided for under this section, building permits and certificates of
24 occupancy may be issued. Certificates of compliance shall not be issued until there has been compli-
25 ance with all conditions and subsequent amendments within each phase of development of a use
26 permit.

27 (l) Preexisting uses. An existing use of a type permitted in this chapter which was lawfully
28 established in this district on the effective date of this title, and any enlargement or extension as
29 permitted in this section, shall be deemed to have received a use permit as herein required and shall
30 be provided with such permit by the Director of Building and Safety upon request, and shall not be
31 a nonconforming use.

32 (m) If an application for a use permit located within a flood plain is granted approval by the
33 city, it shall not be necessary for the applicant to make an application for a special permit to be
34 approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It
35 shall be presumed that the applicant has received all such approvals as may be required by the
36 foregoing resolutions by virtue of the city granting approval to the use permit.

37 Section 5. That Section 27.69.083 of the Lincoln Municipal Code be amended to read
38 as follows:

39 **27.69.083 Permitted Signs; R-T Residential Transition District.**

40 In the R-T zoning district, the specific regulations are as follows:

(a) The following signs only identifying or describing the name of the building and the business or services offered on the premises shall be permitted:

(1) One wall sign per building is permitted. The wall sign shall not be located on the side of the building abutting a residential district or abutting a local or collector street, as defined in the "Land Subdivision Ordinance," when the land across such street is zoned residential;

(2) One ground sign shall be permitted in each development or center. To the extent feasible, the ground sign shall be located near the entrance driveway and separated from the abutting residential districts by such entrance driveway;

(b) No sign shall exceed twenty square feet of sign area;

(c) No sign shall be located in any required yard;

(d) The ground sign shall not be more than eight feet in height;

~~————(e) The location, size, and illumination of all signs, if any, shall be shown on the use permit application and shall be specifically approved as a part of said application;~~

~~————(f) All signs shall be in keeping with the character of the area in which they are located.~~

Notwithstanding the above, for specially permitted uses of historic structures or sites approved under the provisions of Section 27.63.400 of this title, two signs per entrance may be permitted, provided that the Historic Preservation Commission has deemed those signs appropriate.

Section 6. That Section 27.69.085 of the Lincoln Municipal Code be and the same is hereby repealed.

~~27.69.085 Permitted Signs; Corporate Office Park Planned Unit Development.~~

~~————In the R-3 district where a corporate office park planned unit development is applied, the specific regulations are as follows:~~

~~————(a) Pole and roof signs. No pole or roof signs are allowed.~~

~~————(b) Ground signs. One on-premises building identification ground sign shall be permitted per building per street frontage. Said sign shall not exceed seventy-five square feet in area, and shall have a maximum height of eight feet. Said sign shall include the building address.~~

~~————(c) Wall signs.~~

~~————(1) One on-premises building identification wall sign shall be permitted per building. The sign area of such wall sign shall not exceed ten percent of the building's largest facade, or 100 square feet, whichever is lesser.~~

~~————(2) In addition to the above, each tenant shall be allowed one on-premises entrance wall sign not to exceed ten square feet of sign area, provided that the total sign area of all tenant wall~~

signs shall not exceed thirty-two square feet per facade. Tenant wall signs shall be located no further than fifty feet from a building entrance door.

———(d) Other signs:

———(1) Office park area sign; signs for major entrances. One on-premises multiple-sided ground sign, not to exceed 100 square feet in area per side or 200 square feet total area, whichever is less; or, two on-premises single-sided ground signs, not to exceed 100 square feet in area per sign shall be permitted at each major entrance to the corporate office park planned unit development. Said ground signs shall have a maximum height of eight feet. Said ground signs may be located in a required yard if approved as part of the landscape plan and sign plan.

———(2) Office park area sign; signs for minor entrances. One on-premises multiple-sided ground sign, not to exceed forty square feet in area per side or eighty square feet total area, whichever is less; or, two on-premises single-sided ground signs, not to exceed forty square feet in area shall be permitted at each minor entrance to the corporate office park planned unit development. Said signs shall have a maximum height of six feet. Said signs may be located in a required yard if approved as part of the landscape plan and sign plan.

———(3) Internal directory ground signs. One on-premises internal directory sign shall be permitted at each major entrance to the corporate office park planned unit development. Said signs shall not exceed fifty square feet in area and six feet in height.

———(e) Temporary identification signs:

———(1) Real estate signs allowed under Section 27.69.100 shall not exceed twenty square feet in area and eight feet in height in the corporate office park planned unit development.

———(2) Construction signs allowed under Section 27.69.130 shall meet the following provisions: One temporary sign per corporate office park planned unit development shall be permitted at the construction site upon commencement of construction to identify the nature of the construction and those persons or firms associated with it, including contractors, architects, finance companies, and owners. Such sign shall be permitted until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy, or the tenant is occupying such building(s), whichever occurs first. Such sign shall not exceed thirty-two square feet of area and eight feet in height. Such sign may be added to the future tenant identification sign.

———(3) Future tenant identification sign. One temporary sign per corporate office park planned unit development shall be permitted at the construction site to identify the name of the future tenant. Such sign shall be permitted until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy, or the tenant is occupying such building(s), whichever occurs first. Such sign shall not exceed thirty-two square feet of area and eight feet in height.

———(f) General conditions for corporate office park planned unit development signs:

1 ~~————— (1) — All signs ten square feet in area and over shall be shown as part of the sign plan~~
2 ~~approved as a part of the development. Said sign plan shall include covenants of sign design for the~~
3 ~~entire development.~~

4 ~~————— (2) — Signage in corporate office park planned unit developments shall provide for a~~
5 ~~system of signs with features that make an orderly and pleasant visual impact on the total~~
6 ~~development and area immediately adjacent to the park.~~

7 ~~————— (3) — Supporting and ancillary structures shall not be more than two times the allowed~~
8 ~~sign area.~~

9 ~~————— (4) — No off-premises signs are allowed.~~

10 Section 7. That Section 27.69.160 of the Lincoln Municipal Code be amended to read
11 as follows:

12 **27.69.160 Other Permitted Signs; Special Permitted Uses.**

13 In all residential zoning districts, special permitted uses may have the greater of the district
14 signs or a sign identifying or describing the name of the building and the business or services offered
15 on the premises. One sign only per special use shall be permitted if it meets the following conditions
16 and requirements:

17 (a) The sign shall not be more than twenty square feet in area;

18 (b) The sign shall not be located in any required yard;

19 (c) The sign shall not be more than eight feet in height if it is not a wall sign;

20 ~~———— (d) The location, size, and illumination of the sign, if any, shall be shown on the special~~
21 ~~permit application and shall be specifically approved as a part of said application;~~

22 ~~———— (e) The sign shall be in keeping with the character of the area in which it is located.~~

23 Notwithstanding the above, for specially permitted commercial uses of historic structures or
24 sites approved under the provisions of Section 27.63.400 of this title, two signs per entrance may be
25 permitted, one of which, limited to five feet in height, may be located in a required front yard, pro-
26 vided that the Historic Preservation Commission has deemed those signs appropriate.

27 Section 8. That Section 27.69.220 of the Lincoln Municipal Code be amended to read
28 as follows:

29 **27.69.220 Other Permitted Signs; Complex or Subdivision Area Signs.**

30 (a) In all residential zoning districts, on-premises ground signs not exceeding thirty-two
31 square feet in area or five feet in height shall be permitted to identify a multiple-dwelling complex
32 or a subdivision area.

1 (b) ~~When part of a landscape screen approved by the Planning Director, t~~The following
2 ground signs, not exceeding twenty square feet in area or six feet in height and identifying a
3 multiple-dwelling complex or subdivision area, may be located in the required front yard or building
4 line district:

5 (1) Up to two signs may be located at each entrance to the multiple-dwelling complex
6 or subdivision area.

7 (2) If the multiple-dwelling complex or subdivision area abuts an intersection with
8 an arterial street, one sign per arterial frontage may be located at the corner of the intersection with
9 the arterial street.

10 Such signs may be illuminated by a ground light. Any sign located in the building line
11 district shall be moved at the sole cost of the owner when necessary for public use.

12 Section 9. That Section 27.70.050 of the Lincoln Municipal Code be amended to read
13 as follows:

14 **27.70.050 Requirements After Approval.**

15 Upon approval of a use permit pursuant to Chapters 27.27, 27.28, 27.31, 27.37, or 27.51, the
16 developer shall cause to be prepared and submitted to the Planning Department a revised and
17 reproducible final plot plan with all required amendments and revisions. Thereafter, building
18 permits, certificates of occupancy and subdivisions of the property shall be issued or approved ~~only~~
19 ~~upon strict~~ substantial compliance with the plot plan as approved, or as amended, ~~regardless of any~~
20 ~~regulations to the contrary with regard to the height and location of buildings, yard requirements,~~
21 ~~open space requirements, type of dwelling unit, accessory uses, lot frontage requirements, and the~~
22 ~~location of required parking set forth elsewhere in this title and applying to the zoning district or~~
23 ~~districts in which the use permit is located.~~ In circumstances where there are minor variations from
24 the final plan, the Planning Director, or his designee, shall review the plan and determine if the
25 proposal is in substantial conformance with the spirit and intent of the approved plan.

26 The final plot plan shall contain the following information:

27 (a) A certified boundary survey and legal description showing sufficient linear, angular, and
28 curve data to determine the bearing and length of all boundary lines of the use permit, location of
29 section lines and section corners, and gross acreage. If the use permit abuts an existing plat, the
30 distances, angles, and bearing of any common lines shall be shown and any differences in
31 measurement shown.

1 (b) A certificate for showing the final action of the Planning Commission or City Council
2 including the date and resolution number.

3 (c) Locations, name, tangent lengths, centerline radius of each curve and its interior angle,
4 and width of all proposed and existing streets, highways, private roadways, and other public ways
5 within and adjacent to the development;

6 (d) Location, width, and direction of flow of all water courses in and adjacent to the use
7 permit area, including the limits of the flood plain and floodway as defined in Chapter 27.55;

8 (e) The location and size of all existing and proposed sanitary and storm sewers, drainage
9 ways, culverts, watermains, fire hydrants, and existing power lines and other underground structures,
10 cables, or other public utilities within the tract of land and adjacent streets, together with the location
11 and width of existing and proposed easements, and, if appropriate, access easements;

12 (f) All lot lines, building setback lines for all lots, dimensions of all lot lines and building
13 envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;

14 (g) Lot numbers shall begin with the number (1) and shall continue consecutively through
15 a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters
16 shall be used to designate outlots in alphabetical order;

17 (h) Proposed areas for parks and playgrounds. Any parcels other than streets which are to
18 be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated
19 as outlots and assigned an alphabetical designation;

20 (i) The location of all proposed and existing sidewalks, walkways, and other pedestrian
21 ways;

22 (j) Location, height, and use of proposed and existing buildings and structures with an
23 indication as to whether an existing building or structure is to be removed or to remain, ~~and free~~
24 ~~standing signs, if any, in accordance with the provisions of Chapter 27.69~~ (accessory buildings need
25 not be shown on the plan as long as they comply with all setback, floor area, and code requirements);

26 (k) The following data shall be shown on each sheet of the plot plan:

27 (1) The name, address, and telephone number of the person or company responsible
28 for preparation of the plot plan;

29 (2) North arrow, scale, date;

30 (3) Sheet number and the total number of sheets comprising the plot plan;

31 (l) The following information shall accompany the plot plan:

32 (1) Name, address, and telephone number of developer;

33 (2) Certified record owner or owners and their address;

34 (3) Statement of present zoning and proposed use or uses of the property;

35 (4) Profiles along the centerline of the proposed streets and private roadways which
36 show the existing ground surface elevations and the proposed street grades including the length of
37 vertical curves between changes in grade with the profiles for stub streets ending at the boundary of
38 the use permit to be extended 300 feet beyond the limits of the use permit into subdivided and
39 unsubdivided land;

40 (5) The approved method of providing sanitary sewer service to the area;

41 (6) The approved method of providing an adequate potable water supply;

42 (7) The approved drainage study;

(8) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, buildings and lots which includes the locating, and identifies, by common name, all existing trees within the area of the use permit. Single trees which are three inches in caliper or larger measured five feet above the ground must be shown. However, if five or more trees are located so that each is within approximately ten feet of the edge of another tree, they will be considered a tree mass and the outline of the tree mass may be shown with a list of the common names of the trees which are within the tree mass. If the above-stated procedure is followed, the individual location of each tree within the tree mass is not necessary. An indication shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed;

(9) A vicinity sketch showing the general location of the use permit in relation to existing streets, section lines, and city limits;

(10) The approved site grading plan showing existing and proposed contour lines with intervals at no greater distance than five feet based on NAVD 1988, and if necessary, spot elevations showing complete proposed grading of the use permit, including any cross-sections required as conditions of approval showing existing and proposed ground lines and buildings. Information as to where fill will be obtained and the amount of the fill shall be included if all or part of the property is located within the flood plain as defined in Chapter 27.55. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the Public Works and Utilities Department of the location of the proposed new borrow area and obtain approval thereof from the Director of Public Works and Utilities;

(11) The approved landscape plan.

Section 10. That Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.69.083, 27.69.160, 27.69.220, and 27.70.050 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 11. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004.

Mayor